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NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUCAS LUCAS-PEREZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-75141

Agency No. A73-418-384

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted February 26, 2008<sup>\*\*</sup>

Before: BEEZER, FERNANDEZ and McKEOWN, Circuit Judges.

Lucas Lucas-Perez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an Immigration Judge's ("IJ") order denying his application for asylum and

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the IJ's denial of asylum and withholding of removal, *Cordon-Garcia v. INS*, 204 F.3d 985, 990 (9th Cir. 2000), and we review for abuse of discretion the IJ's denial of humanitarian asylum, *Belayneh v. INS*, 213 F.3d 488, 491 (9th Cir. 2000). We deny the petition for review.

Substantial evidence supports the IJ's finding that the government rebutted the presumption of a well-founded fear of future persecution by the Guatemalan government because the IJ did an individualized analysis of changed country conditions in Guatemala that is supported by the record. *See Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 998-99 (9th Cir. 2003).

Substantial evidence also supports the IJ's finding that Lucas-Perez's claim of a well-founded fear of future persecution based on retaliation from a neighboring family in Guatemala lacks a nexus to a protected ground. *See INS v. Elias-Zacharias*, 502 U.S. 478, 482-83 (1992).

Because Lucas-Perez failed to satisfy the standard of proof for asylum, it necessarily follows that he failed to satisfy the more stringent standard for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

The IJ did not abuse his discretion in denying humanitarian asylum where Lucas-Perez failed to show sufficiently severe past persecution or a reasonable possibility of other serious harm upon removal to Guatemala. *See* 8 C.F.R. § 1208.13(b)(1)(iii)(A), (B).

**PETITION FOR REVIEW DENIED.**